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PTO/SB/21 (04-07)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/536,615	
	Filing Date	May 26, 2005	
	First Named Inventor	Kym John Keightley	
	Art Unit	3676	
	Examiner Name	Christopher J. Boswell	
Total Number of Pages in This Submission	11	Attorney Docket Number	1849023US1ANP

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration and Power of Attorney Supplemental Application Data Sheet Check for \$1370.00 Request for Amendment to Specification Return Receipt Postcard
Remarks		

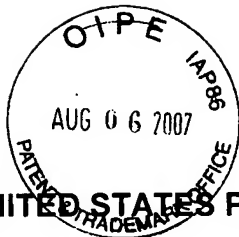
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	SAND & SEBOLT		
Signature			
Printed name	Fiona H. Ferguson		
Date	08/02/07	Reg. No.	52,885

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Karina Butler	Date	8/2/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KYM JOHN KEIGHTLEY  
FOR: A DUAL LOCK APPARATUS  
SERIAL NO. 10/536,615  
FILING DATE: May 26, 2005  
EXAMINER: Christopher J. Boswell  
ART UNIT: 3676  
CONFIRMATION NO.: 9089  
LAST OFFICE ACTION: March 2, 2007  
ATTORNEY DOCKET NO. 1849023US1ANP

**PETITION FOR UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 35 U.S.C.  
120 AND IN ACCORDANCE WITH 37 C.F.R 1.78 (a)(3)**

MAIL STOP PETITIONS  
Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 222313-1450

Dear Sir:

**Applicant hereby petitions** for the acceptance of an unintentionally delayed  
priority claim under 35 U.S.C. 120 or in the alternative under 35 U.S.C. 365(c).

The facts behind the priority claim are as follows:

Applicant filed the following applications:

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**Australian Application PC 7576**, filed May 18, 2000

**PCT/AU01/00579**, filed May 18, 2001 claiming priority from PQ 7576

**US 10/276,574**, filed November 14, 2002, national stage of PCT/AU01/00579, now Patent No. 6,964,183.

and

**Australian Application No. AU 2002953027**, filed November 29, 2002

**PCT/AU03/01596**, filed December 1, 2003, claiming priority from AU2002953027

**US 10/536,615**, filed May 26, 2005 - national stage of PCT/AU03/01596.

Applicant's Australian attorneys recently advised Applicant's US attorneys that the Australian Application AU 2002953027 should have been filed as a continuation-in-part of Australian application PQ 7576. Consequently, PCT/AU01/00579 should be a continuation-in-part of PCT/AU03/01596. Therefore, the present application is a continuation-in-part of Application Serial No. 10/276,574.

This petition is accompanied by the reference required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a) 2 in the form of the attached request for amendment to page 1 of the specification of the instant application.

The petition is further accompanied by the surcharge required under 37. C.F.R. 1.17(t) in the amount of \$1,370. Applicant hereby authorizes withdrawal of any additional funds that may be required from Deposit Account #19-0083.

Applicant hereby states that the entire delay between the date the claim was due

under 37 C.F.R. 1.78 (a) 2(ii) and today's date was unintentional.

Applicant submits that Applicant is entitled to claim priority from Application Serial No. US 10/276,574, in that the instant application, filed May 26, 2005, was co-pending with Application No. 10/256,574, the latter case having an effective filing date of May 18, 2000 and an issue date of November 11, 2005.

Furthermore, the instant application, the US Application No. 10/276,574, International Application No. PCT/AU01/00579 and Australian Application No. PQ7576 all name Kym John Keightley as the sole inventor of the invention disclosed and claimed therein.

Applicant encloses herewith a newly executed Declaration and Power of Attorney in which priority has been claimed from the above-mentioned US 10/276,574, the two International applications and the two Australian applications. Applicant also encloses herewith a Supplemental Application Data Sheet in which the additional priority claims have been inserted.

Should the Petitions Examiner require any additional information, they are invited to contact the undersigned at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 2nd day of August, 2007.

SAND & SEBOLT



By: Fiona Ferguson  
Reg. No.52,885

Aegis Tower, Suite 1100  
4940 Munson Street, NW  
Canton, Ohio 44718-3615  
Telephone: (330) 244-1174  
Facsimile: (330) 244-1173  
JAS/ff

Docket No. 1849023US1ANP

Enclosures - Request for Amendment to the specification  
Newly Executed Declaration and Power of Attorney  
Supplemental Application Data Sheet  
Check - \$1370

## **REQUEST FOR AMENDMENT TO THE SPECIFICATION OF 10/536,615**

Please insert the following paragraph on page 1 of the instant application, immediately following the title:

### **CROSS-REFERENCE TO RELATED APPLICATIONS**

This is a continuation-in-part of U.S. Application Serial No. 10/276,547, now Patent No. 6,964,183, having a 371(c) date of November 14, 2002; the application being a National Stage filing of PCT/AU01/00579 having an international filing date of May 18, 2001; which application in turn claims priority from Australian Application PQ7576, filed May 18, 2000; the entire disclosures of which are incorporated herein by reference. This application is furthermore a National Stage filing of PCT/AU03/01596 having an international filing date of December 1, 2003, which claims priority from Australian Application No. 2002953027, filed November 29, 2002, the entire disclosures of which are incorporated herein by reference.



Express Mail Label No.

Page 1 of 3

Docket No.  
1849023US1ANP

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A DUAL LOCK APPARATUS**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 1 December, 2003 as United States Application No. or PCT International Application Number PCT/AU03/01596

and was amended on 30 November, 2006

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed
PQ7576	Australia	18 May 2000	<input checked="" type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
AU2002953027	Australia	29 November 2002	<input checked="" type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
			<input checked="" type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/AU01/00579

18 May 2001

Converted

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

PCT/AU03/01596

01 December 2003

Converted

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

10/276,574

18 May 2001

Patented

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Joseph A. Sebolt Reg. No. 35,352

Clay H. Cunningham Reg. No. 51,150

Fiona H. Ferguson Reg. No. 52,885

Attest:

SAND & SEBOLT

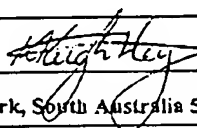
Aegis Tower Suite 1100

4940 Munson Street, NW

Canton, Ohio 44718-3615

Send Correspondence to: Joseph A. Sebolt  
SAND & SEBOLT  
Aegis Tower, Suite 1100  
4940 Munson Street, NW, Canton, Ohio 44718-3615

Direct Telephone Calls to: (name and telephone number)  
Joseph A. Sebolt (330) 244-1174

Full name of sole or first inventor	
Kym John KEIGHTLEY	
Sole or first inventor's signature	Date
	10/05/07
Residence	
5 Vincenzo Street, Fairview Park, South Australia 5126, AUSTRALIA	
Citizenship	
Australian	
Post Office Address	
5 Vincenzo Street, Fairview Park, South Australia 5126, AUSTRALIA	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

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## SUPPLEMENTAL APPLICATION DATA SHEET

### Application Information

Application Number:: 10/536,615  
Filing Date:: May 26, 2005  
Application Type:: National Phase  
Title Line One:: A DUAL LOCK APPARATUS  
Attorney Docket Number:: 1849023US1ANP  
Request for Non-Publication:: No  
Suggested Drawing Figure:: 1  
Total Drawing Sheets:: Communicated by the International Bureau  
Formal Drawings:: Communicated by the International Bureau  
Small Entity:: Yes

### Inventor Information

Inventor One Given Name:: Kym John  
Family Name:: KEIGHTLEY  
Postal Address Line One:: 5 Vincenzo Street  
City:: Fairview Park  
State or Province:: South Australia  
Country:: Australia  
Postal or Zip Code:: 5126  
City of Residence:: Fairview Park  
State or Prov. of Residence:: South Australia  
Country of Residence:: Australia  
Citizenship Country:: Australia

### Correspondence Information

Correspondence Customer Number:: 000027542  
Name Line One:: Joseph A. Sebolt  
Name Line Two:: SAND & SEBOLT  
Address Line One:: Aegis Tower, Suite 1100  
Address Line Two:: 4940 Munson Street, NW  
City:: Canton  
State or Province:: Ohio  
Country:: USA  
Postal or Zip Code:: 44718-3615  
Telephone:: (330) 244-1174  
Fax:: (330) 244-1173  
Electronic Mail:: Info@sandsebolt.com

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### Representative Information

Representative Customer Number:: 000027542  
Representative Name:: Joseph A. Sebolt  
Registration Number:: 35,352

### Domestic Priority Information

<b>Application::</b>	<b>Continuity Type::</b>	<b>Parent Application::</b>	<b>Parent Filing Date::</b>
<u>10/536,615</u>	<u>Continuation-In-Part</u>	<u>10/276,574</u>	<u>November 14, 2002</u>

### Foreign Priority Information

<b>Country::</b>	<b>Application Number::</b>	<b>Filing Date::</b>	<b>Priority Claimed::</b>
PCT	PCT/AU03/01596	December 1, 2003	Yes
Australia	AU 2002953027	November 29, 2002	Yes
<u>PCT</u>	<u>PCT/AU01/00579</u>	<u>May 18, 2001</u>	<u>Yes</u>
<u>Australia</u>	<u>PC 7576</u>	<u>May 18, 2000</u>	<u>Yes</u>

### Assignee Information

Assignee Name:: Inovec Pty Ltd  
Postal Address Line One:: C/- 174 Fullarton Rd  
City:: Dulwich  
State or Province:: South Australia  
Country:: Australia  
Postal or Zip Code:: 5065

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